Environmental Clearance Application

Initial Study

McKEAN ROAD PROPERTY

Planned Development Zoning
and
Parcel Map

Application by

North First Street Properties

February 14, 2003

Mindigo & Associates **Environmental Consultants**

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City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
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ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECIEPT #:_____
ND GRANTED:	EIR REQUIRED:	DATE:_____
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	AMOUNT:_____ BY:
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:	North First Street Properties 1122 Willow Street, Suite 200 San Jose, CA 95125 279-5200, (fax) 279-3678 Attn: Bill Baron
Property Owner:	North First Street Properties 1122 Willow Street, Suite 200 San Jose, CA 95125 279-5200, (fax) 279-3678
Environmental Consultant:	Mindigo & Associates 1984 The Alameda San Jose, CA 95126 554-6531, (fax) 554-6577
Name of Project:	McKEAN ROAD PROPERTY Planned Development Zoning and Parcel Map
Location of Project:	Easterly side of McKean Road, southerly of the entrance to the Cinnabar Hills Golf Club
Brief Description of Project:	A 2-lot single family detached residential subdivision on approximately 89.0 gross acres
Assessor's Parcel Number(s):	712-14-011

clik here for BAY AREA MAP (Figure 1)

clik here for USGS MAP (Figure 2)

clik here for VICINITY MAP (Figure 3)

clik here for ASSESSOR'S PARCELS MAP (Figure 4)

clik here for AERIAL PHOTO OF THE VICINITY (Figure 5)

clik here for AERIAL PHOTO OF THE SITE (Figure 6)

clik here for VIEW OF THE SITE (Figure 7)

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B. PROJECT OBJECTIVE

The objective of this project is to subdivide the site to allow the construction of two single family homes, in accordance with the goals and policies of the City of San Jose. The applicant believes that there is a market for them in this area.

C. DESCRIPTION

Planned Development Zoning

The Planned Development (PD) Zoning application rezones the site for two single family lots. The proposed zoning designates the homesites, driveway locations and leachfield areas. The Conceptual Grading Plan shows the conceptual grading for the driveways. The homes are to be custom designs and are not being proposed at this time. The Project Data table and reduced copies of the project plans follow. Full size copies are available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

Tentative Parcel Map

The Tentative Parcel Map application subdivides the site to allow the construction of two single family detached residential units. Lot A contains 43.02 acres, and Lot B contains 45.95 acres. A reduced copy of the Tentative Parcel Map, Figure 15, follows; and a full size copy is available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

Slope Density Calculations

Calculations using the Hillside Slope Density Formula were performed to determine the number of lots allowable on the site, as shown on the following Slope Density Calcs exhibit, Figure 16; a total of two lots is allowed on the site. Each parcel was then independently calculated; Lot A resulted in a minimum size of 43.0 acres and Lot B resulted in a minimum of 45.905 acres. The proposed parcels exceed the minimum allowable size.

Access

Access is from the entrance road to the Cinnabar Hills Golf Club (Lot A) and by McKean Road (Lot B).

Parking

Off-street parking for the project is to be provided in future garages and on driveway aprons.

Exterior Lighting

Normal exterior household lighting is to be provided with future development.

Utilities
All utilities required to serve the project, including wastewater treatment, water supply, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with the project.

Demolition
There are no existing structures on the project site to be demolished.

Hazardous Materials
Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the proposed residences on the project site.

Grading
Grading planned for the proposed driveways is shown on the following Conceptual Grading Plan, Figure 14; any additional lot grading would depend on the future home design. The final lot and driveway grading for the project is to be designed to conform to the natural ground as closely as possible. The amount of grading planned is expected to be the minimum required to provide private driveways that meet requirements for structural section and rate of grade, and to allow the construction of level building pads with positive drainage. In addition to the lot and driveway excavation, trenching is required for the underground utilities and septic tank systems.

Tree Removal
There are several existing trees onsite, a few of which are to be removed, as further discussed in the following Biological Resources section.

Public Improvements
There are no public improvements with this project.

Public Land Reservations
There are no public land reservations with this project.

Other Related Permits
In addition to the proposed Planned Development Zoning and Tentative Parcel Map, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	Final Parcel Map, Grading Permit, Design Review Permits (if necessary), Tree Removal Permits (if necessary), Building Permits

Community Meeting
A community meeting to discuss the proposed project with neighbors has not been held.

Table 1. Project Data

Category	Figure
Gross and Net Acreage	89.0
Lot A	43.0
Lot B	46.0
Number of Single Family Detached Lots	2
Maximum Building Height *(feet)*	35
Estimated Population *	7
Estimated School Children	
K-12 *(0.78)*	2
Density *(units/gross and net acre)*	2 / 89.0 = 0.02

* Based on 2000 Census average of 3.20 persons per dwelling unit.

clik here for LAND USE PLAN
(FIGURE 12)

11 x 17

clik here for CONCEPTUAL SITE PLAN
(FIGURE 13)

11 x 17

clik here for CONCEPTUAL GRADING PLAN
(FIGURE 14a)

11 x 17

clik here for CONCEPTUAL GRADING PLAN
(FIGURE 14b)

11 x 17

clik here for TENTATIVE PARCEL MAP
(FIGURE 15)

11 x 17

clik here for SLOPE DENSITY CALCS EXHIBIT
(FIGURE 16)

11 x 17

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists primarily of hillside open space and oak trees, which can be seen in the preceding photographs, Figures 7 through 11.

Scenic Route

McKean Road is designated as a Rural Scenic Corridor, which is described in the San Jose 2020 General Plan as follows:

> **Scenic Routes**
> *"San Jose possesses outstanding scenic qualities in both its urban and rural communities. These qualities require a consistent plan to preserve and enhance the environment and to provide for convenient access and attractive linkages through and between areas of significant scenic value.*
>
> *Outstanding scenic areas located throughout the community include expanses of undevelopable land, hillside areas, major parks and urban centers. There is a need to provide physical and visual linkages between such areas. In addition, striking views exist along many major roadways entering the city. Design of these entryways should incorporate attractive landscaping and exceptional architectural qualities.*
>
> *The integrated system of scenic routes illustrated on the Scenic Routes and Trails Diagram serves four major functions:*
>
> - *Pleasure Travel: Well designed and attractively landscaped roadways, with appropriate separations of movement making travel through and around the City a pleasant experience for its own sake.*
> - *Access: Convenient and attractive access from all parts of the City to major urban centers, pastoral rural areas, regional parklands, streamside parks, nature preserves, hillside areas, the Bay and baylands.*
> - *Environmental Protection: Designation of corridors along scenic roads to preserve immediate scenic qualities and enrich distant views.*
> - *Community Image: Refinement of community image through easily identifiable scenic routes lacing the City and connecting major points of reference and creation of a greater awareness of the City and its environmental heritage.*

There are two types of scenic routes designated on the Scenic Routes and Trails Diagram. They are Rural Scenic Corridors and Urban Throughways and are defined as follows:

Rural Scenic Corridors are generally located in rural and open space areas of significant scenic value. There are no precise criteria to delineate the boundaries of Rural Scenic Corridors. However, these Corridors can be defined as the scenic route right-of-way plus the landscape visible on either side of that right-of-way. The presence of outstanding visual resources should also be considered in determining the Rural Scenic Corridor boundary. The visual field, the angle and speed at which certain features come into view and the road design and geometrics are all important factors.

Permitted land uses in Rural Scenic Corridors should be limited to well landscaped campus industrial uses, single-family residences, agriculture, parks, trails, and other open space uses in order to preserve the natural scenic resources. Bridges and other public improvements should blend with the natural terrain.

Signs located within Rural Scenic Corridors should be of a size, height, and design that do not restrict or impair the subject view but are the minimum dimensions necessary for identification. Billboards in these rural areas should be discouraged.

In addition to the preservation of the area's viewsheds, view turnouts, rest areas and, where appropriate, picnic facilities could be provided to enhance and develop these corridors to their best potential. The design of these facilities should incorporate safe accessibility and appropriate grade separation from the roadway."

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?				**X**	25,26,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS (Cont.). Would the project:					
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?			**X**		25, 26,27,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		**X**			25,26,27
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				**X**	25,26,28
e. Increase the amount of shade in public and private open space on adjacent sites?				**X**	25,26,28

The current view of the site consists of vacant hillside open space and oak woodland as shown on the preceding photographs, Figures 7 through 11. The project would change the view of the site from vacant hillside open space and oak woodland to hillside open space, oak woodland and two single family detached homes and related infrastructure. The site is only visible from nearby locations on McKean Road and from areas within Calero County Park and the Cinnabar Hills Golf Club; it is not visible from the Santa Clara, Almaden or Coyote valley floors.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. The completion of the project improvements and landscaping would eliminate the short-term visual impacts of the grading and construction operations.

MITIGATION MEASURES INCLUDED IN THE PROJECT

- Trees and landscaping shall be provided.

Temporary Construction Visual Impacts

- Public streets that are impacted by project construction activities shall be swept and washed down daily.
- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "grazing land," which is defined as land on which the existing vegetation, whether grown naturally or through management, is suited to the grazing of livestock.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**	32,58

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES (Cont.). Would the project:					
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				**X**	25,26,28

Important Farmlands

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not classified as farmland, the project would not have a significant impact on agricultural land.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the "air quality."

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, sulfur dioxide and particulate matter (PM_{10}), and their standards are included in Table 2. Local Air Quality that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". In June of 1998, the U.S. EPA reclassified the Bay Area from "maintenance area" to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin's reclassification to "maintenance area" for ozone in 1995. Reclassification required an update to the region's federal air quality plan.

Under the California Clear Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM_{10}). The county is either attainment or unclassified for the other

pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of "all feasible measures on an expeditious schedule".

Table 2. Local Air Quality

Pollutant	Standard Federal	Standard State	Measurement Units	1999	2000	2001
OZONE						
Maximum	12	9	pphm, 1-hour avg.	11	7	11
Federal exceedances	<1		days per year	0	0	0
State exceedances		0	days per year	3	0	2
CARBON MONOXIDE						
Maximum 8-hour	9	9	ppm, 8-hour avg.	5.9	6.3	5.1
8-hour exceedances	1		days per year	0	0	0
NITROGEN DIOXIDE						
Maximum		25	pphm, 1-hour avg.	13	11	11
Exceedances		1	days per year	0	0	0
PARTICULATE MATTER						
Annual average	50		ug/m^3, annual arithmetic mean	28.7	26.7	28.9
24-hour average		1*	days above 50 ug/m^3	na	na	na
Annual mean		30	ug/m^3, annual geometric mean	25.3	23.8	25.6

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* One day above the 50 ug/m^3 standard is considered an exceedance. Since the District does not measure every day, the percent of the days measured that exceed the standard is shown.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include

residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the rural residences located west of the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				**X**	29,34
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		**X**			26,34
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				**X**	26,34
d. Expose sensitive receptors to substantial pollutant concentrations?				**X**	28,34
e. Create objectionable odors affecting a substantial number of people?				**X**	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of

reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM_{10}), it would have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 2-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors

The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Temporary Construction Air Quality

Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Temporary Construction Air Quality

- A Construction Air Quality Plan shall be developed and implemented for dust control to include dust suppression practices such as: 1) frequent watering; 2) damp sweeping of haul routes, parking and staging areas; 3) installation of sandbags or other erosion control measures to prevent silt runoff to public roadways; 4) vehicle speed controls; 5) watering or the use of soil stabilizers on haul routes, parking and staging areas; 6) prohibition of grading during high winds; 7) hydroseeding areas where grading is completed or inactive; 8) covering of stockpiles and loads in haul vehicles; 9) maintaining at least two feet of freeboard in all haul vehicles; 10) limiting the area being graded at a given time; 11) monitoring of particulate levels; and 12) enforcement measures.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a biotic analysis that is included in the Technical Appendix.

SETTING

Reconnaissance-level field surveys were conducted on the project site on September 7 and 27, 2000, at which time the principal biotic habitats of the site were identified and the constituent plants and animals of each were noted.

VEGETATION

Habitat Areas

Seven different biotic habitats have been identified on the site: 1) non-native grassland, 2) mixed oak woodland, 3) Diablan sage scrub, 4) mixed oak woodland/Diablan sage scrub understory, 5) stock ponds, 6) seasonal wetland and 7) freshwater emergent marsh. Their general locations are shown on the following Habitat Areas map.

Non-native Grassland

One of the most extensive biotic habitats of the project site is non-native grassland. Grasses and forbs of European origin dominate the vegetation. Grasses common to this habitat include wild oats, ripgut, soft chess and red brome. Common forbs include yellow star thistle, vinegar weed, Italian thistle, black mustard and clover. Native spring-flowering forbs are also common to this habitat; California poppies, common fiddleneck, red maids and blue dicks would be typical components of this flora. The spring wildflower display in any given year depends greatly on the number of livestock using the range, the timing and amount of winter rains, and the site's fire history.

Mixed Oak Woodland

Mixed oak woodland is the most common habitat on the site, and is distributed throughout the site. The overstory of this habitat is dominated by coast live oak and blue oak, although black oak, valley oak and California bay laurel are quite common as well. The canopy cover ranges from open and savanna-like to almost closed on other portions of the site. In many places, mixed oak woodland habitat intermingles with annual grassland and Diablan sage scrub habitats. Vegetation in the understory includes a mix of woody shrubs and annual grasses and forbs. A few of the shrubs observed during the site survey in September include coyote bush, poison oak and California buckeye. Some of the forbs observed in the understory include lupine, soap plant, wild carrot and Italian thistle. Non-native grasses within the understory of this habitat include, but are not limited to, ripgut, barnyard barley and wild oats.

clik here for HABITAT AREAS MAP HERE
(FIGURE 17)

8 1/2 X 11

Diablan Sage Scrub

Diablan sage scrub habitat occurs both independently and in the understory of portions of the mixed oak woodland. The dominant plants are California sagebrush, black sage, chamise, coyote bush and poison oak. Annual grasses and forbs such as those found in non-native grassland make up the understory.

Mixed Oak Woodland / Diablan Sage Scrub Understory

Mixed oak woodland / Diablan sage scrub habitat occurs mainly on south-facing slopes of the project site. Overstory vegetation is generally sparse and consists mainly of blue oak. Plant species occurring in the understory are consistent with that described for the Diablan sage scrub habitat.

Stock Ponds

Two artificial stock ponds occur on the project site: a larger perennial pond on the boundary of Lots A and B, and a smaller seasonal pond on Lot B. The seasonal pond had water marks on the soil surface and contained swamp timothy, rabbitsfoot grass and Bermuda grass. The larger pond on Lot A was inundated during the site survey; emergent vegetation occurred on the boundaries of the pond.

Seasonal Wetland

Seasonal wetlands are associated with the bed and bank of two seasonal creeks. Seasonal creek channels were observed on each of the two lots. The season wetland on Lot A was associated with freshwater emergent marsh habitat, and the seasonal creek on Lot B was associated with a seasonal stock pond. Hydrophytic vegetation observed in the channels includes rabbitsfoot grass, fiddle dock, common monkey flower, Bermuda grass and barnyard barley. A defined bed and bank was apparent in each of these channels.

Freshwater Emergent Marsh

The margins of the reservoir that is shared by Lots A and B have, over time, developed wetland attributes, including the establishment of emergent vegetation such as narrow leaved cattails and creeping spikerush. The banks of the pond were lined with occasional red willows. In addition, a small area associated with a seasonal creek on the northwestern portion of the site also has emergent vegetation associated with it.

Special-Status Plant Species

Several species of plants within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of Fish and Game and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant species native to the state. A number of native plants have been formally designated as threatened or endangered under State and Federal

endangered species legislation; others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the CDFG. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened or endangered. Collectively, these plants are referred to as "special status species."

A number of special-status plants occur in the vicinity of the project site. These species, and their potential to occur on the project site, are listed in the report in the Technical Appendix. Of the 26 special-status plant species occurring within the project vicinity, 25 would be unlikely to occur or absent from the project site. Only one special-status plant species could occur on the project site: Diablan sage scrub provides suitable habitat for Hall's bush mallow, and it has been documented on the parcel to the east of the project site (Cinnabar Hills Golf Club).

Regulated Habitats

Wetlands

The U.S. Army Corps of Engineers (Corps), under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over areas that satisfy the definition of "Waters of the United States" (jurisdictional waters), including natural drainage channels and wetlands. The extent of jurisdiction within drainage channels is defined by "ordinary high water marks" on opposing channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated; the resulting anaerobic conditions select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils saturated intermittently or permanently saturated by water) and wetland hydrology according to 1987 Corps methodologies.

Construction activities within jurisdictional waters are subject to the permit requirements of the Corps. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values. Similarly, activities that result in the diversion or obstruction of the natural flow of a stream, or that substantially change its bed, channel or bank, or that utilize any materials (including vegetation) from the streambed requires a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG), under Sections 1601 and 1603 of the State Fish and Game Code. Such an Agreement typically stipulates that certain measures will be implemented that protect the habitat values of the drainage in question.

No formal wetland delineation was conducted on the project site; the seasonal wetlands observed in the seasonal drainages and ponds, occupying less than 1.44 acres of the 80-acre site, are presumed to be jurisdictional waters.

Riparian Corridors

The Riparian Corridor Policy of the City of San Jose discusses the importance of the riparian corridors, how they may be at risk and how they should be protected. The Policy primarily addresses riparian corridors within the Urban Service Area (USA) based on an assumption that corridors outside the USA enjoy substantial General Plan policy protection and are not typically subject to damage from urban development. It is the City's intent, however, that any development outside the USA and not subject to specific General Plan direction regarding riparian protection, should be subject, at a minimum, to the development guidelines in this policy. The Riparian Corridor Policy indicates that "*All buildings, other structures (with the exception of bridges and minor interpretive node structures), impervious surfaces, outdoor activity areas (except for passive or intermittent activities) and ornamental landscaped areas should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater)*."

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is located on or within 300 feet of the project site. The project would not be constructed within 100 feet of riparian corridor habitat (within 100 feet of the top of bank or edge of riparian vegetation of any waterway).

Trees

Approximately 160 trees, 35 of which exceed 18 inches in diameter and come under the review of the City's Tree Ordinance, occur within building envelopes or within close proximity of the infrastructure associated with the construction of the 2 residential dwelling units. These trees include blue oak, valley oak, coast live oak and California bay.

WILDLIFE

Habitat Areas

Non-native Grassland

Non-native grassland provides important habitat to many terrestrial vertebrates. As many as 25 species of reptiles and amphibians, 100 species of birds and 50 species of mammals are known to use grassland habitats of central California; the project site provides suitable habitat for many of these species. Some of these species are grassland residents; many more use a variety of other habitats as well. Some are migrants that use the grasslands of the project site for only a portion of each year.

The grasslands of the project site are used by several species of reptiles and amphibians. Western fence lizards were observed in this habitat during the surveys. Logs and rocky outcroppings provide microhabitats suitable for western rattlesnakes and gopher snakes that forage in grasslands and other adjacent habitats for small mammals.

Resident and migratory birds occur here also. Resident birds include the California horned lark, western meadowlark and mourning dove. Winter migrants include American pipits, savannah sparrows and long-billed curlews. Western kingbirds are commonly seen in this part of Santa Clara County foraging from fences and utility lines during spring and summer. A variety of raptors are attracted to this habitat by an abundance of invertebrates and small reptiles, birds and mammals; raptors observed in the area include white-tailed kites, red-tailed hawks, American kestrels and turkey vultures.

Small mammals are common to grasslands of the site. Several rodent burrows were observed; many of these were made by California ground squirrels and Botta's pocket gophers. The California vole, the western harvest mouse and the ornate shrew are likely residents. These small mammals attract a variety of predators, including various snakes and raptors as previously discussed, but also mammals; coyotes, gray foxes, bobcats and badgers are known to occur near the project site.

Mixed Oak Woodland

Western fence lizards are attracted to rock outcrops, logs and tree trunks within mixed oak woodlands. Brush and piles of downed branches and leaves provide habitat for more reclusive lizards such as the Gilbert's skink and southern alligator lizard. Furthermore, thick leaf litter and decaying logs provide a moist microclimate suitable for amphibians such as ensatina and California slender salamander.

Acorns provide an abundant food source for many wildlife species. The California mouse frequently feeds on oak acorns and seeds of the California bay laurel. Other constituent mammals of the mixed oak woodland include western gray squirrel, brush rabbit and San Francisco dusky-footed woodrat; piles of arranged branches observed on the site provide evidence of woodrats. Other mammal residents may include gray fox, raccoon, black-tailed deer, cougar and bobcat.

Diablan Sage Scrub

Shrubs and low vegetation provide cover and nesting habitat for spotted towhees, Nashville warblers and black-headed grosbeaks. California quail can often be found foraging on seeds and plants under the cover of dense undergrowth; they are readily observed when startled into explosive flight. Wrentit, California thrasher, canyon wren, greater roadrunner and California towhee are all common resident birds of sage scrub in Santa Clara County.

Diablan sage scrub on the project site provides important habitat for a variety of mammals. Some species, such as deer mouse and California pocket mouse, forage within the protection of the dense brush. The San Francisco dusky-footed woodrat is expected to occur in this habitat, feeding on woody plants and building nests constructed from sticks and leaves at the base of trees, shrubs or hills. Other mammals that use this habitat include the black-tailed hare, coyote

and bobcat. Black-tailed deer will also feed on the new growth of shrubs, such as ceanothus and coyote brush, as well as forbs and grasses.

Mixed Oak Woodland / Diablan Sage Scrub Understory

Terrestrial vertebrates potentially occurring in this habitat would be similar to those in the habitats described above.

Stock Ponds

The ponds provide habitat for a variety of aquatic organisms, particularly invertebrates of the phylum arthropoda. The permanently inundated pond may also harbor one or more species of fish; foothill ponds are commonly stocked with non-native fish including mosquito fish, large-mouth bass and blue-gill.

At the time of the field surveys, the ponds provided habitat for a variety of terrestrial vertebrates. Bullfrogs were observed in the larger pond during the site survey in September, 2000. This pond also provides breeding habitat for western toads and Pacific treefrogs. Extensive surveys between March, 1996 and the present have failed to detect the California red-legged frog. Common garter snakes probably forage in and near these ponds on amphibians and small mammals.

Ponds on the project site are also used by various avian species, many of which are common to aquatic habitats and the riparian vegetation immediately adjacent to them. A few of the birds potentially occurring in the ponds, or adjacent to them, would include pied-billed grebes, great blue herons, great egrets, mallards, American coots, red-winged blackbirds, black phoebes and belted kingfishers. Especially during the winter, perennial ponds are used extensively by other waterbirds as well; some of the species that probably use the ponds of the project site would include ruddy ducks, wood ducks, common goldeneyes, buffleheads, etc.

Seasonal Wetland

Many of the terrestrial vertebrates occurring in the non-native grassland are likely to occur in the seasonal wetland as well. Raccoons, striped skunks and black-tailed deer drink water from this habitat when passing through the site.

Freshwater Emergent Marsh

Terrestrial vertebrates expected to occur in the freshwater emergent marsh habitat would be similar to those expected in the stock ponds.

Special-Status Animal Species

Several species of animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of

Fish and Game and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of animal species native to the state. A number of native animals have been formally designated as threatened or endangered under State and Federal endangered species legislation; others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the CDFG. Collectively, these animals are referred to as "special status species."

A number of special-status animals occur in the vicinity of the project site. These species, and their potential to occur on the project site, are listed in the report in the Technical Appendix. Of the 28 special-status animal species occurring, or once occurred, regionally, 7 species would be absent or unlikely to occur on the project site. Others would only rarely occur onsite as transients or migrants; these include peregrine falcon, bald eagle, merlin, prairie falcon, California yellow warbler, tricolored blackbird, black swift, Vaux's swift, Townsend's big-eared bat, California mastiff bat and pallid bat. The remaining 10 special-status animal species potentially occur more frequently as regular foragers or may be resident on the site; these include the western pond turtle, white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, golden eagle, California horned lark, loggerhead shrike, San Francisco dusky-footed woodrat and ringtail.

Raptors

All raptors (i.e., eagles, hawks and owls) and their nests are protected under both Federal and State regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This Act encompasses whole birds, parts of birds and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code. Section 3503.5 states that it is *"unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto*." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFG. Any loss of fertile eggs or nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor onsite or immediately adjacent to the site constitute a significant impact.

Large trees such as coast live oak, blue oak, California bay laurel and black oak may provide nesting habitat for raptors.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		**X**			25,60,80
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				**X**	25,70,80
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?				**X**	25,80

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES (Cont.). Would the project:					
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			**X**		25,80
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**			29,37,80
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				**X**	25,29

VEGETATION

Special-Status Plant Species

One special-status plant species could occur on the project site: Diablan sage scrub provides suitable habitat for Hall's bush mallow, and it has been documented on the parcel to the east of the project site (Cinnabar Hills Golf Club). Although suitable habitat is present on the project site, appropriate habitat does not occur within areas proposed for residential development. Therefore, if this species does occur on the 80-acre project site, it would not be impacted by the 2-lot subdivision and eventual buildout of a single family residence and associated structures on each lot. (This assumes that buildout will not result in impacts to Diablan sage scrub habitat.) No mitigation would be required if the Diablan sage scrub habitat is absent from future construction zones; therefore, focused surveys for Hall's bush mallow are not warranted at this time.

Wetlands

No wetland delineation has been completed on the project site; for the purposes of this analysis, the seasonal wetlands observed in the seasonal drainages and ponds, occupying less than 1.44 acres of the 80-acre site, are presumed to be jurisdictional. The project would not result in the grading or filling of any areas potentially meeting the technical criteria of jurisdictional wetlands, however; no potential wetlands were observed in the areas to be developed at this time. No impacts to Waters of the U.S. would occur from the two-lot subdivision and eventual buildout of the site; therefore, neither additional surveys nor mitigation would be required.

Eventual site development would require the construction of additional roads, parking areas and driveways, building pads and septic systems. Construction of this kind often requires grading that leaves the soil of construction zones barren of vegetation and, therefore, vulnerable to sheet,

rill or gully erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals and adjacent wetlands. Furthermore, urban runoff is often polluted with grease, oil, residues of pesticides and herbicides, heavy metals, etc. These pollutants may eventually be carried to sensitive wetland habitats used by a diversity of native wildlife species. The deposition of pollutants and sediments in sensitive wetland habitats would be a potentially significant impact. There would be no impact, however, to water quality in seasonal creeks and downstream waters from the proposed project as grading would occur within a very small area that is relatively level. The project must comply with the City's grading permit requirements, which include standard erosion control measures.

Riparian Corridors

None of the proposed elements of eventual project buildout would either directly or indirectly affect riparian habitats of the region; therefore, the project is in conformance with the City's Riparian Corridor Policy and no mitigation would be required.

Trees

There are approximately 160 trees within building envelopes or within close proximity of the infrastructure associated with the construction of the two residential dwelling units. Thirty-five (35) of the trees exceed 18 inches in diameter (56-inch circumference) and come under the review of the City's Tree Ordinance, which requires a permit for the removal of any tree (native or non-native) with an 18-inch diameter (56-inch circumference) or greater. The loss of Ordinance-sized trees and the removal of a significant number of non-Ordinance-sized trees would constitute a significant impact. It is not presently possible to ascertain which (if any) trees would be removed during project construction as the precise location of each house and associated structures is not presently known. All trees on the site must be inventoried and categorized according to location, species and size prior to the issuance of any approval or permit for construction of any improvement on the site. Ordinance-sized trees should be replaced at a 5:1 ratio and non-Ordinance-sized trees should be replaced with a 3:1 ratio, with small nursery stock such as tree pots and dee pots; these ratios would compensate for habitat values lost from the removal of mature trees. A tree restoration plan should be developed that indicates the ratio, location and species of trees to be planted.

WILDLIFE

Loss of Habitat

The proposed project would affect only a small portion of the entire parcel that can be used by native wildlife. Land parcels to the north and east are currently a golf course development. The lots to the immediate west and south are undeveloped. Due to the small amount of land impacted from project development, the loss of habitat for native wildlife resulting from the proposed project is expected to be a less-than-significant impact. The loss of a relatively small

amount of non-native grassland and mixed oak woodland is not expected to affect the persistence and presence of local wildlife; mitigation measures would not be warranted.

Interference with Movement

The site is not situated within an apparent "movement corridor" for native wildlife, although some species move within and through it. Site development would have a small effect on home range and dispersal movements of native wildlife now occurring immediately onsite. Much of the site is to remain undisturbed; therefore, the project would result in a less-than-significant effect on the movements of native wildlife and mitigation measures would not be warranted.

Special-Status Animal Species

Eleven special-status animal species would only rarely occur onsite as transients or migrants; these include peregrine falcon, bald eagle, merlin, prairie falcon, California yellow warbler, tricolored blackbird, black swift, Vaux's swift, Townsend's big-eared bat, California mastiff bat and pallid bat. The two-lot subdivision and eventual buildout of two residences and associated structures and facilities would have no effect on the breeding success of any of these species, and would only result (at most) in a small reduction of foraging and/or roosting habitat available to them regionally.

The ten special-status animal species that potentially occur more frequently as regular foragers or may be resident on the site include the western pond turtle, white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, golden eagle, California horned lark, loggerhead shrike, San Francisco dusky-footed woodrat and ringtail. All of these species, with the possible exception of the western pond turtle, are relatively common regionally and the loss (or fragmentation) of a relatively small amount of non-native grassland and mixed oak woodland habitat is expected to result in a less-than-significant impact. The western pond turtle is known to occur in the perennial stock pond. This stock pond would not be affected by the proposed two-lot subdivision and eventual buildout of the two residences and associated infrastructure; therefore, the proposed project would result in a less-than-significant impact to all of the special-status animal species listed. No mitigation would be required for loss of habitat for special-status animal species; this assumes that impacts would be focused within or immediately adjacent to the proposed building envelopes, leachfields and associated alignments of the access roads. Additional surveys for special-status animal species are not warranted at this time.

Raptors

Large trees such as coast live oak, blue oak, California bay laurel and black oak may provide nesting habitat for raptors. Construction activities during the breeding season related to the two homesites and infrastructure (leachfields, access roads, etc.) could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect nesting, or result in mortality of individual birds, would be a violation of State and Federal law.

Therefore, mitigation measures are necessary to reduce potential project-related impacts on nesting raptors to less-than-significant levels.

PROGRAM MITIGATION MEASURES

Trees

- A permit shall be obtained for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree(s) that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

- Trees to remain shall be safeguarded during construction by a Tree Protection Plan, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees only as approved, and prevention of drying out of exposed soil where cuts are made; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees, as outlined in the City's Tree Ordinance, that shall be approved by the Planning Department prior to the issuance of a grading permit.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Trees

- All trees within construction areas for the homes, associated structures and infrastructure shall be inventoried by a professional arborist and categorized according to location, species and size prior to any approval or permit for construction of any improvement on the project site.

- A tree restoration plan shall be developed and implemented, including the ratio, location and species of trees to be planted.

- Any Ordinance-sized (18-inch diameter or greater) tree that is removed shall be replaced by 5 new trees (small nursery stock such as tree pots and dee pots).

Raptors

- Preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist within 30 days of the onset of construction activities, if construction is to occur during the breeding season (January through September); and if an active raptor nest is found on the site, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest (usually a minimum of 250 feet, but depends on the species, location in the tree and local topography), the buffer zone shall be fenced, and no construction equipment or workmen shall enter the enclosed buffer zone until the conclusion of the breeding season.

5. CULTURAL RESOURCES

Holman & Associates conducted an archaeological reconnaissance that is included in the Technical Appendix.

SETTING

Prehistoric Resources

The project site is within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Department of Planning, Building and Code Enforcement. Prior to a field reconnaissance, maps and records at the California Historical Resources Information System, located at Sonoma State University, were consulted for any record of archaeological remains in and around the project area. The project site has not been previously surveyed. Several archaeological sites have been recorded in the vicinity, however, including CA-SCl-366, approximately 0.25 mile to the north, and CA-SCl-775, immediately contiguous to the east-central boundary of the project site and encroaching into the project site, but does not reach the area of potential impacts where project development would occur.

A field reconnaissance of the area of potential impacts was done in August, 2000, as described in the report in the Technical Appendix. The reconnaissance was conducted by walking over the site in parallel lines spaced closely enough to provide a visual inspection of the few relatively level spots and the soil revealed through the very thick vegetation periodically with a trowel or by pulling weeds where possible. Numerous rock outcrops were inspected, as were road cuts and numerous rodent burrows. No surface material was found to indicate that the site was utilized by aboriginal populations.

Historic Resources

There are no existing structures located on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				**X**	25, 39,40,81
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?		**X**			27,38,81
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				**X**	27,60
d. Disturb any human remains, including those interred outside of formal cemeteries?		**X**			27,81

Prehistoric Resources

The project site is in a potential archaeological resource zone. The recorded site CA-SCl-775 encroaches onto the east-central portion of the property, but a reconnaissance of the area of potential impacts did not locate any cultural resources. There is no basis to warrant subsurface investigations or monitoring during construction at this time; however, there is still a possibility that unknown subsurface cultural resources may exist on the site.

PROGRAM MITIGATION MEASURES

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MITIGATION MEASURES INCLUDED IN THE PROJECT

- Should evidence of prehistoric or historic cultural resources be discovered during construction, work within 30 feet of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report, and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.

6. GEOLOGY AND SOILS

Earth Systems Consultants Northern California conducted a geologic hazards evaluation and soil engineering study that is included in the Technical Appendix.

SETTING

Topography

The project site includes rolling and steep-sided hills. There are several knolls on the site, and there are two ponds located in the southeasterly section. The two knolls on the central portion of the site, where the homesites are proposed, are separated by a saddle area. Elevations on the site range from approximately 570 feet along the golf club entrance road at the northerly boundary to approximately 786 feet and 788 feet, respectively, at the two knolls where the homesites are planned.

Geology

The project site is underlain by bedrock units of the Franciscan Formation (Kjf). The Franciscan Formation consists mostly of well-indurated sandstone and shale, but includes subordinate amounts of greenstone, chert, limestone, conglomerate and metamorphic rocks of blueschist facies. These rocks are generally highly deformed and locally intensively sheared with hard blocks of various lithologies in a matrix of clay materials. The Franciscan Formation constitutes the basement complex northeast of the San Andreas Fault.

Geologic Hazard Zone

The project site is located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance. For proposed development in a geologic hazard zone, a Certificate of Geologic Hazard Clearance must be obtained from the Director of Public Works before any discretionary approval for development, or any grading permit or any building permit, may be issued for any property located in a special geologic hazard area. Geologic hazard is defined as:

> *"any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, limb, property, or improvements due to movement, failure or shifting of earth, or which, in the opinion of the Director, may lead to damage to structures which may be located on or adjacent to soils or rocks having such conditions."*

In order to receive a Certificate of Geologic Hazard Clearance, the applicant must demonstrate to the satisfaction of the Director of Public Works that the proposed development is not endangered or potentially endangered by geologic hazards on the site or in the area which may potentially affect the site, nor will it create new hazardous geologic conditions or potentially endanger adjoining lands, and that the proposed improvements, including earthwork, will adequately mitigate the identified geologic hazards.

Soils

The project site is underlain by the upland soils of the Los Gatos/Gaviota/Vallecitos association, 30 to 75 percent slopes, as classified by the United States Department of Agriculture, Soil Conservation Service. The specific soil types identified at the site are shown on the following Soils Map and table.

According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a high liquefaction potential in the south-central portion and a low liquefaction potential in the remainder, little or no weak soils and/or weak soil layers and lenses occurring at random locations and depths, highly expansive soils, a very high erosion potential, and a moderate to high landslide susceptibility. The liquefaction and landslide susceptibility conditions are considered to warrant further geologic study at the environmental review stage.

Faulting

Active Faults

An active fault is defined as a fault along which ground displacement at or near the surface (within a few tens of feet) during the last 11,000 years (Holocene age) can be demonstrated. There are no identified active earthquake faults mapped on the site. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 5.0 and 8.0 miles to the northeast and north, respectively; and the San Andreas Fault, which is mapped approximately 8.0 miles to the southwest.

Potentially Active Faults

A potentially active fault is defined as a fault along which ground displacement during the last two million years (Quaternary age) can be demonstrated or along which fault such displacement is suggested. No potentially active faults are mapped on the site; however, several faults have been mapped in the site vicinity. An approximate trace of the Chesbro Fault has been mapped approximately 400 feet south of the southeast corner of the site. Another unnamed fault trace, which is shown to join the Calero Fault to the northwest, has been mapped approximately 4,000 feet north of the site. Other potentially active faults in the site vicinity include the Calero (0.75 mile southwest), Shannon (2.1 miles northwest), Berrocal (4.5 miles southwest), Silver Creek (4.5 miles northwest) and the Sargent (6 miles southwest).

The extreme southeasterly corner of the site is located within a City of San Jose Potential Hazard Zone, as shown on the following Fault Hazards map. This zone is established around the mapped trace of the Chesbro Fault, which is classified as a pre-Quaternary fault, or one that has not moved during the last 1.6 million years.

clik here for SOILS MAP HERE
(FIGURE 18)

8 1/2 X 11

clik here for SOIL PROPERTIES TABLE HERE

8 1/2 X 11

clik here for FAULT HAZARDS MAP HERE
(FIGURE 19)

8 1/2 X 11

Geologic Hazards Evaluation and Soil Engineering Study

A geologic hazards evaluation and soil engineering study was conducted to identify and evaluate geologic conditions that could affect the site and to provide recommendations that would mitigate the identified geologic hazards; the soil engineering study presents design-level geotechnical recommendations for the proposed single-family residences and related improvements. The investigation included a review of pertinent geologic and geotechnical maps and literature, aerial photograph interpretation, a site reconnaissance and geologic mapping, subsurface exploration, laboratory testing and soil engineering analysis.

Literature Review

The project site is located on the flank of the eastern foothills of the central Santa Cruz Mountains in the southern Santa Clara Valley area of coastal central California. The Santa Cruz Mountains and the Mt. Hamilton – Mt. Diablo Range form the western and eastern boundaries of the Santa Clara Valley, respectively, in the Coast Ranges geomorphic province in central California. Bedrock in the area is composed of the Franciscan Formation, which consists of shale, sandstone, chert, limestone, greenstone and serpentine (hydrothermally altered mafic rocks) that are usually found in chaotic assemblages in the Coast Ranges. No landslides are mapped on the site, and the site is not mapped within a State-mandated Earthquake Fault Zone (previously known as an Alquist-Priolo Special Studies Zone).

Aerial Photo Interpretation

Three sets of aerial photographs of the site and vicinity from 1971, 1988 and 1998 were reviewed for potential landslide and debris flow features. The earliest photographs show the site as a clear area with grasses along the ridgelines. Erosion is visible in the lower portions of the valleys between the "S"-shaped ridge. No debris flows or landslides are visible along the slopes; however, the swale on the north side of Lot A has an arcuate shape suggesting a landslide. The 1988 photographs show similar conditions at the site; colluvium appears to be accumulating in swales along the slopes, but no debris flows or landslides were apparent. The 1998 photographs again indicate similar conditions; however, landslides and debris flows are visible along the southeast and northeast slopes. The landslides appear to be mostly shallow colluvium failures and not deep seated. Colluvium has filled many of the swales along the sides of the ridges; the ridge lines appear unchanged with no impact from the debris flows. No lineaments suggesting faulting or regional fracturing were visible in the aerial photographs.

Field Investigation

The site reconnaissance, subsurface exploratory program and geologic mapping were conducted in September, 2000. The site-specific geologic mapping is consistent with the regional mapping. Well-indurated sandstone, meta-graywacke and occasional shale are exposed at the ground surface along ridgetops and ridge flanks near the topographic highs. The ridgetop exposures are barely covered by thin, poorly developed sandy topsoil and sparse grassy goundcover. Occasional exotic blocks of more-resistant sandstone and chert are found as

boulders within the sheared sandstone and shale matrix of the Franciscan Complex melange. Three suspected old landslide deposits and two recent debris flows were identified. The suspected old landslide on the northwestern flank of the ridge on Lot B is identified by a prominent break in slope that may represent an old headscarp. Two other old landslides and the debris flows were observed on the southeast flank of the ridge, characterized by hummucky or anomalously lobate and elongate topography.

Four exploratory pits excavated on September 20, 2000 on the ridge crest at the two proposed building locations exposed 6 to 10 inches of dry, poorly developed topsoil composed of light yellowish brown silty fine to medium grained sand with common angular sandstone clasts. The bedrock exposed in the pits was predominantly light yellowish brown sandstone. Groundwater was not encountered. The locations and logs of the four exploratory test pits are included in the report in the Technical Appendix.

Laboratory Testing

A laboratory testing program was conducted on selected soil and bedrock samples to determine some of the physical and engineering characteristics of the soils pertinent to the design of the proposed residences. The tests performed were selected on the basis of the probable design requirements, and included moisture-density determinations, Atterberg Limits and plasticity index, and direct shear tests. The results of the laboratory tests are included in the report in the Technical Appendix. The sandy soil has a low expansive potential when subjected to fluctuations in moisture content. The sandstone bedrock was easily friable along fracture surfaces but otherwise strong to very strong.

Investigative Conclusions

The primary geologic factor affecting the proposed project is the possibility of strong seismic ground shaking during a major earthquake on one of the Bay Area faults. The site is considered suitable from a geologic and geotechnical standpoint for the proposed single-family residences and related improvements provided that the recommendations and soil engineering parameters presented in the report are implemented as appropriate during the design and construction of the project.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
  1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
  2) Strong seismic ground shaking.
  3) Seismic-related ground failure, including liquefaction.
  4) Landslides.

- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				**X**	43,44, 47,48,82
ii. Strong seismic ground shaking?		**X**			27,46,82
iii. Seismic related ground failure, including liquefaction?				**X**	46,82
iv. Landslides?		**X**			44,46,82
b. Result in substantial soil erosion or the loss of topsoil?		**X**			45,46
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				**X**	46,82
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			**X**		45,46,82
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				**X**	45,84

Geologic Hazard Zone

The project site is located within a geologic hazard zone as mapped by the City in accordance with the Geologic Hazards Ordinance. Based on the review and acceptance of the geologic hazards evaluation and soil engineering study prepared by Earth Systems Consultants Northern

California, a Certificate of Geologic Hazard Clearance has been issued for the project. A copy of the Certificate letter is included in the Appendix.

Expansive Soils

The sandy soil at the project site has a low expansive potential when subjected to fluctuations in moisture content. The proposed single-family dwellings can be founded on conventional, shallow, continuous and/or spread footings excavated into and bearing on undisturbed bedrock.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion, erosion control measures such as those described in the ABAG *Manual of Standards for Erosion & Sediment Control Measures* would be incorporated into the project.

Slope Stability

No evidence of active landslides that would directly impact the proposed residences was observed during the site reconnaissance; however, an active shallow soil slump and three old (and presently dormant) landslides were identified on the slopes below the building sites. The primary landslide/debris flow hazard at the site would impact the access road from the Cinnabar Hills Golf Club to the home site on Lot A, and to a lesser extent the roadway from McKean Road to the home site on Lot B. The potential for localized landsliding can be exacerbated by destabilization of slopes by natural or man-made over-steepening, alterations of established drainage patterns, heavy erosion or undercutting the base of slopes. The grading, retaining wall and surface drainage recommendations presented in the report in the Technical Appendix should be implemented during the design and construction of the proposed residences and access roads.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As no fault trace is mapped traversing the site, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The upper bound earthquake (previously referred to as the maximum credible earthquake), which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The project would be designed and constructed in accordance with Uniform Building Code requirements, which are intended to reduce seismic risks to an acceptable level.

Secondary Seismic Effects

Ground failures such as liquefaction, lurching and lateral spreading are related to soil and groundwater conditions; the conditions at this site are such that the potential for these phenomena to occur is considered to be low. Based on topographic relief and bedrock geology, the potential for ridge-top cracking ground failure at the site is also considered to be low.

PROGRAM MITIGATION MEASURES

Geologic Hazard Zone

- A Certificate of Geologic Hazard Clearance shall be obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on January 24, 2001.*

Seismic Shaking

- The project shall be designed and constructed to incorporate wall bracing, mudsil anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.

MITIGATION MEASURES INCLUDED IN THE PROJECT

General

- All earthwork and foundation plans and specifications shall comply with the recommendations of the geologic hazards evaluation and soil engineering study by Earth Systems Consultants Northern California. The geotechnical report lists approximately 34 recommendations that are included in the project for site grading, foundations, concrete slabs-on-grade, retaining walls, surface drainage and erosion protection, utility trench backfill and asphalt pavement design, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

Drainage

- No concentrated surface water shall be allowed to flow over the top of cut, fill or natural slopes; instead, such surface water shall be diverted by soil berms or concrete lined ditches or shall be collected in catch-basins back from the slope edge.

- Drainage shall be controlled away from all structures and pavements.

Erosion

- A City approved erosion control plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Slope Stability

- A combination of grading, retaining wall and drainage measures, as presented in the geologic hazards evaluation and soil engineering study by Earth Systems Consultants Northern California, shall be implemented during the design and construction of the proposed residences and access roads to mitigate any potential slope stability impacts.

7. HAZARDS AND HAZARDOUS MATERIALS

SETTING

Wells
There are no known existing active or abandoned water wells located on the project site.

Pesticides
There are no known pesticides currently used on the site for either agricultural production or landscape maintenance operation.

Hazardous Materials
There are no known hazardous materials currently being used on the site.

Service Station
The project site has not ever been occupied by a gas station and/or auto repair facility.

Underground Storage Tank
The project site does not have underground storage of chemicals and has not used underground storage tanks. The project site is not listed on any local, State and/or Federal regulatory database due to hazardous materials contamination (i.e., leaking underground storage tanks database, etc.).

Soil/Groundwater Testing / Remediation
No known soils/groundwater tests have ever been performed on the project site in relation to potential hazardous materials contamination. No known remediation of hazardous materials has ever been performed on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				**X**	25,27,28
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				**X**	28
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				**X**	27,28
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**	53
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				**X**	62
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				**X**	27,62
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				**X**	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			**X**		25, 27,73,74

Demolition

There are no structures existing on the project site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

There are two man-made stock ponds on the site and seasonal drainage channels in the extreme northerly portion and in the extreme easterly portion; however, none of the ponds or drainages is within 300 feet of the proposed development area.

Flooding

The project site is not within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the site is not within Zone A, the area of 100-year flood. The Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the project site does not lie within a flood zone.

Water Quality

The project site is located in the watershed area tributary to the southeastern arm of the Calero Reservoir. Stormwater runoff from the project site flows generally northwesterly in the Pine Tree Canyon drainage to Calero Reservoir, then northerly via Calero Creek and Alamitos Creek to the Guadalupe River and on to the San Francisco Bay.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Nonpoint Source Control Program was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being

developed and implemented. The development, implementation and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Nonpoint Source Control Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		**X**			28,56,70
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				**X**	25,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				**X**	25,26
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				**X**	25,26
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				**X**	26,28
f. Otherwise substantially degrade water quality?				**X**	26,28
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				**X**	26, 27,54,55
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				**X**	26, 27,54,55
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				**X**	27,28
j. Inundation by seiche, tsunami or mudflow?				**X**	25,27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood.

Water Quality

The primary impact on water quality would be from street drainage. Particulates, oils, greases, toxic heavy metals, pesticides, and organic materials are typically found in urban storm runoff. The project's contribution would not be expected to have a significant impact on water quality. Construction-related activities such as clearing, grading, or excavation, however, could result in potentially significant temporary impacts to water quality.

PROGRAM MITIGATION MEASURES

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities, and non-stormwater management controls, shall be submitted to the RWQCB to comply with the stormwater discharge requirements of the NPDES General Permit.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Water Quality

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMP) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, fossil filters, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

9. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the San Jose 2020 General Plan is Non-Urban Hillside, outside the City's Urban Service Area. Very large lot residential estates (between 20 and 160 acres per lot), as determined by the Hillside Slope Density Formula, are allowed within the Non-Urban Hillside category. The project conforms with this classification.

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area

Zoning

The project site is currently zoned R-1-1 Residence District. The project is a Planned Development (PD) zoning application to rezone the site to A(PD) in accordance with the proposed General Development Plan, and a Tentative Parcel Map application to subdivide the site into two single family detached lots.

Existing Use

The project site is currently vacant hillside grassland and oak woodland. Previous uses of the site include: grazing land. The proposed project is a land use presently existing in the surrounding area (within 500 feet of the project site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the project site include: private recreation (Cinnabar Hills Golf Club) to the north and east; grazing land to the south; and parkland (Calero County Park) and rural residential to the west.

Other Developments

There are existing rural residential single family homes to the south and across McKean Road to the southwest. There are no other planned developments in the area at this time.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				**X**	25,26
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				**X**	29
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				**X**	25,26,28

The project would change the land use on the site from vacant hillside open space and oak woodland to hillside open space, oak woodland and residential use in accordance with the General Plan land use designation. Residential use (two homes) is compatible with the surrounding area. Development of the project site would introduce two new homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

The project site does not contain a quarry; however, the site is mapped as having deeper sand and gravel deposits that are valuable for percolation.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				**X**	27,29,60
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				**X**	27,29,60

The project would not result in the loss of availability of a known mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources along McKean Road. The City of San Jose General Plan establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. McKean Road is not designated as having noise level exceedances on the *City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources*.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				**X**	29,61
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				**X**	25,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE (Cont.). Would the project result in:					
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				**X**	25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		**X**			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**	62
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				**X**	27

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. Future traffic noise levels along McKean Road would not exceed 60 dB DNL beyond 60 feet from the centerline of the roadway; and due to the size of the parcels, potential homesites would be well beyond that distance and not require any mitigation.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Temporary Construction Noise

- Noisy construction operations shall be scheduled for the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday so as to avoid the more sensitive evening, nighttime and weekend hours.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 918,000. The project site is located in Census Tract 5121.00, which has a population of approximately 3,298 (2000 Census). There are no housing units currently on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				**X**	25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				**X**	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				**X**	25,26

The project would not displace any existing housing units. The project would add 2 housing units that would add approximately 7 people to the City of San Jose, which would not be a substantial increase to the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed private recreation (Cinnabar Hills Golf Club) uses to the north and east and rural residential uses to the west, and by undeveloped grazing land to the south. As the proposed project would not extend streets or utilities to serve additional undeveloped land, the project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have an indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the Morgan Hill Unified School District (K-12). Students from the project are expected to attend:

School	Address	Approx. Distance *(miles)*	Enrollment
Burnett Elementary (K-6)	85 Tilton Ave., Morgan Hill	3.4	459
Martin Murphy Middle (7-9)	141 Avenida Espagna, San Jose	2.6	907
Live Oak High (10-12)	1505 E. Main Ave., Morgan Hill	5.6	2,003

All of the schools are at capacity. Busing is provided to the elementary and middle schools for a fee.

Parks

There are no City of San Jose local or regional parks within the vicinity of the project site; however, Calero County Park is across McKean Road from the site's northwesterly boundary. Calero County Park, a regional facility that is part of the Santa Clara County park system, provides the following recreational facilities and activities: fishing, boating, jet skiing, water skiing, hiking, horseback riding and picnicking.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The fire stations responding to emergency calls, i.e., fires and emergency medical situations, within the project site and their approximate response times are listed below. The total reflex time is the time from when the Department first receives the call to when the firemen reach their destination.

Station No.	Address	Approx. Distance (*miles*)	Projected Travel Time (*minutes*)	Travel Time Standard (*minutes*)	Projected Total Reflex Time (*minutes*)	Total Reflex Time Standard (*minutes*)
1st Engine: 28	19911 McKean Rd.	5.7	9.5-11.5	4.0	13.5-15.5	8.0
2nd Engine: 22	6461 Bose Lane	9.2	16-18	6.0	20-22	10.0
1st Truck: 13 *	4380 Pearl Ave.	11.0	21-23	6.0	25-27	10.0
1st B. Chief: 13	4380 Pearl Ave.	11.0	21-23	9.0	25-27	13.0
Full Structural Assignment:						
3rd Engine: 27	6027 San Ignacio Ave.	9.5	17-19	9.0	21-23	13.0
2nd Truck: 9	3970 Ross Ave.	12.0	23.5-25.5	9.0	27.5-29.5	13.0

** Urban Search and Rescue (USAR) unit.* *B. Chief = Battalion Chief*

All of the travel times and total reflex times exceed the recommended limits due to the long distances from existing personnel and equipment.

In addition, the project site is within a Mutual Threat Zone; while the San Jose Fire Department protects the area, the California Department of Forestry and Fire Protection (CDFFP) provides personnel and support during wildfire season. The nearest CDFFP fire station is currently located at 20255 McKean Road, approximately 5.5 miles from the project site.

Police Protection

The project site is within Beat No. Y-5 of the San Jose Police Department's service area. The major felony crimes reported in Beat Y-5 in terms of frequency during 1997 were residential burglary and grand theft. The most commonly reported misdemeanors were car clout, malicious mischief, disturbing the peace and simple assault. Overall, Beat Y-5 ranked 51st among all 60 police beats in terms of number of crimes reported per 1,000 population, with a rank of 1 indicating the highest crime rate.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES.					
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?			**X**		8
Police protection?			**X**		66
Schools?			**X**		6
Parks?			**X**		7

Other public facilities?			**X**		28

Schools

The project would add additional students to the Morgan Hill Unified School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Burnett Elementary	459		
Martin Murphy Middle	907		
Live Oak High	2,003	0.78/du (K-12)	2

Based on the district generation factor listed above, the project would generate a total of up to 2 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval of residential projects. The District has implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently no developed or undeveloped City of San Jose parks within the 3/4-mile reasonable walking distance standard. The City parks in the area are not adequate to serve the project residents. Calero County Park with its many recreational facilities and activities, however, is located across McKean Road from the site's northwesterly boundary.

Parkland Dedications

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees to be paid in lieu of land dedication would be either a flat fee established by the Schedule of Fees as adopted by Resolution of the City Council, or the average fair market value of the land within the entire subdivision multiplied by the number of acres required to be dedicated plus 10 percent towards costs of offsite improvements.

Fire Protection

The project site is in the service area of the San Jose Fire Department. Fire protection service levels are poor to very poor in this remote area, consisting of poor travel times because of the long distances and the lack of an adequate existing water supply. No additional fire personnel or equipment would be justified due to the implementation of this small project. The Fire Department recommends that non-combustible roofing materials be utilized during project construction, and that the building areas be cleared of combustible vegetation.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Fire Protection

- New water service facilities, including mains and hydrants, shall be provided.

- Non-combustible roofing materials shall be utilized during project construction; and the building areas shall be cleared of combustible vegetation.

14. RECREATION

SETTING

There are no City of San Jose local or regional parks within the vicinity of the project site; however, Calero County Park is across McKean Road from the site's northwesterly boundary. Calero County Park, a regional facility that is part of the Santa Clara County park system, provides the following recreational facilities and activities: fishing, boating, jet skiing, water skiing, hiking, horseback riding and picnicking. In addition, the Cinnabar Hills Golf Club, a public 27-hole championship golf course facility, is adjacent to the northerly and easterly site boundaries.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			**X**		7,63,64
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**	7,26

The City of San Jose provides recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently no developed or undeveloped City of San Jose parks within the 3/4-mile reasonable walking distance standard. The City parks in the area are not adequate to serve the project residents. Calero County Park with its many recreational facilities and activities, however, is located across McKean Road from the site's northwesterly boundary; and the public 27-hole Cinnabar Hills Golf Club is adjacent to the northerly and easterly site boundaries.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

SETTING

Street System

Access to the project site is provided by the entrance road to the Cinnabar Hills Golf Club (Lot A) and by McKean Road (Lot B). McKean Road is a two-lane roadway that extends southward from Harry Road and Almaden Road to Morgan Hill. The entrance road to the Cinnabar Hills Golf Club is a two-lane driveway.

Public Transit

Public transit is provided in the project area by the Santa Clara Valley Transportation Authority. There is no public transit in the immediate site vicinity; the closest bus route is Route 13, which operates along Almaden Expressway, Harry Road/McKean Road and Almaden Road to the north. The project site is not located within 2,000 feet of a light rail station.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Cause a City intersection operating at Level D or better to operate at Level E or F; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical V/C ratio of 0.010 or more at a City intersection that is projected to operate at Level E or F with existing plus approved projects.
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternatige transportation.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				**X**	28,69

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC (Cont.). Would the project:					
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				**X**	75
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				**X**	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				**X**	26,28
e. Result in inadequate emergency access?				**X**	26,28
f. Result in inadequate parking capacity?				**X**	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				**X**	26,29

The 2 single family detached residential units planned with the project would result in a total of 20 daily vehicular trips, based on 10 trips per unit per day, and 2 peak hour trips, based on a 10 percent peak hour factor. The project is exempted from the City's Transportation Level of Service Policy as it is a single family detached residential project of 15 dwelling units or less, and the City Council finds that such projects will not cause a significant degradation of transportation level of service and that such projects will further other City goals and policies. In addition, the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 units.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

16. UTILITIES AND SERVICE SYSTEMS

Questa Engineering Corporation conducted an onsite sewage disposal investigation and Schaaf & Wheeler conducted a fire and domestic water supply design study, both of which are included in the Technical Appendix.

SETTING

Sanitary Sewers

The project site is located outside the City's Urban Service Area; there are no existing City of San Jose sanitary sewers in the project site vicinity. The closest City sanitary sewers are located in Bailey Avenue and in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these locations are within the City's Urban Service Area.

Wastewater Treatment

Lands outside of the Urban Service Area, including the existing homes in the South Almaden Valley Urban Reserve, utilize septic tank systems for sewage disposal. To operate efficiently, an individual disposal system must be designed to utilize the intrinsic properties of the soil for removing potential pollutants from the wastewater. Pollutants present in wastewater can include suspended solids, pathogenic organisms, oxygen demanding organic chemicals and organisms, viruses, phosphates, sulphates, chlorides and nitrates. Under favorable conditions, a properly designed and constructed leach line will biologically degrade, filter and absorb all potential biological contaminants before the effluent contacts surface or ground waters.

Soil percolation rates define the ability of soils to absorb water, a critical factor if wastewater is to enter the soil to be biologically and chemically altered and filtered. Some soils are very slow to percolate; a percolation rate slower than 120 minutes per inch is considered unsuitable for any type of septic tank system. Soils that percolate very rapidly, i.e., faster than 1.0 minute per inch, remove effluent too quickly from the upper few feet of soil, the primary area where the biological and chemical breakdown takes place.

Slope is another characteristic that constrains proper leachfield functioning. Soils in mountainous areas are likely to contain large amounts of impervious rock and less depth of soil than flatter, valley areas. Under certain conditions, if a leachfield constructed on steep slopes where there is an underlying layer of dense clay, rock or other impervious material near the surface, the effluent may flow above the impervious layer to the surface and run unfiltered down the slope face. The effluent would, thus, contaminate any surface waters it may come into contact with.

High groundwater and/or poor wintertime drainage is a third constraint to the proper functioning of leachfields. High groundwater is extremely important since water quality in general can be degraded when untreated wastewater is mixed directly with surface or near-surface water and is drawn into aquifer recharge areas.

Onsite Sewage Disposal Investigation

An onsite sewage disposal investigation was conducted on the project site to identify and verify suitable onsite sewage disposal areas for each of the two proposed residential building sites. The investigation included soil profile inspections and percolation testing. The work was done in accordance with Santa Clara County Health Department procedures, and County staff was present during portions of the testing.

Field investigations of the property were conducted from September 13-16, 1999 for Lot A, and from May 3-5, 2000 for Lot B. Several soil profile test pits were excavated in the vicinity of each building site to determine the most promising area for a sewage disposal system; only those findings from test pits located in areas identified and proposed for sewage disposal are discussed. The locations and logs of the test pits are included in the report in the Technical Appendix.

Two soil profile test pits were excavated in the proposed leachfield area for Lot A. Generally, the soils consist of less than one foot of sandy loam topsoils underlain by differentially weathered sandstone to a depth of 15 feet. The sandstone is typically soft and fractured and its texture varies from sandy loam to sandy clay and soft fractured rock. One deep soil profile trench was excavated in the proposed leachfield area for Lot B. In this area, the soils typically consisted of about one foot of sandy light clay loam topsoils underlain by weathered, fractured metamorphosed sedimentary rock to a depth of 13 feet. No evidence of groundwater was found in any of the soil test pits during the spring and fall when the soil investigations were conducted; additionally, groundwater is not expected to occur in the proposed leachfields in the winter months due to the high topographic position of the leachfield areas and their locations along ridgelines where the runoff and drainage are dispersed rather than concentrated. Consequently, groundwater is not expected to restrict the use of the proposed areas for sewage disposal.

Nine percolation tests were conducted on Lot A on September 16, 1999, at depths of 36 and 60 inches. Six percolation tests were conducted on Lot B on May 5, 2000, all at a depth of 36 inches. The percolation tests generally showed good but variable permeability throughout the areas investigated; the variability in the percolation rates is attributable to differentially weathered rock that characterizes the area. In some places, the rock has weathered further to clay; in other areas where the weathering is less advanced, there is more sand present in the soil-rock matrix. All fifteen of the percolation tests showed passing rates. The locations and data sheets of the percolation tests are included in the report in the Technical Appendix.

Water Supply

The project site is located outside the City's Urban Service Area; there are no existing or water lines in the project site vicinity. The closest water lines are City of San Jose Municipal Water System Division lines in Bailey Avenue and San Jose Water Company lines in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these

locations are within the City's Urban Service Area. Domestic water would be supplied by an existing well on the adjacent Cinnabar Hills Golf Club property that is stored in a 250,000-gallon-capacity water tank located westerly of the well; this well and tank provide potable water to the Golf Club. A new water delivery system would be required to transport the water to the proposed residences.

Storm Drainage Facilities

The project site currently drains via overland flow and roadside drainage ditches to Calero Reservoir to the northwest. The project site is located outside the City's Urban Service Area; there are no existing City of San Jose storm drainage facilities in the project site vicinity. The closest City storm drainage facilities are located in Bailey Avenue and in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these locations are within the City's Urban Service Area.

Solid Waste / Recycling

Residential solid waste disposal service for San Jose is provided by GreenTeam of San Jose and/or Western Waste Industries. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 55 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing electric services in the area. There is no natural gas service to the area; however, propane gas is available from private companies.

Telephone Service

Telephone service for the project site is provided by Pacific Bell. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			**X**		28,84
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		**X**			84,85
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				**X**	26,27,28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			**X**		85
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				**X**	28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			**X**		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			**X**		28

Sanitary Sewers

There is no City of San Jose sanitary sewer service in the vicinity of the project site; the site is outside the City's Urban Service Area boundary. Sewage disposal for the project is to be accomplished by an onsite septic system.

Wastewater Treatment

The proposed two-lot residential subdivision would generate wastewater requiring onsite treatment and disposal. Estimated wastewater flow for each lot is 750 gallons per day (gpd), based on 5 bedrooms at 150 gpd per bedroom. Based on the average percolation rates indicated in the report in the Technical Appendix, the required leachfield length for Lot A, according to Santa Clara County regulations, is 400 lineal feet for each half of a dual system, or 800 feet total. The required leachfield length for Lot B is 800 lineal feet for each half of a dual system, or 1,600 feet total.

Potential water quality concerns for onsite wastewater disposal arise from the possible effects on groundwater supplies from the downward leaching of wastewater effluent and the cumulative loading of nitrates in the watershed. There are more than adequate distances to assure against groundwater contamination from onsite wastewater disposal, as shown in the following tables.

Table 4. Septic Tank Minimum Distances (in feet)

Measured From	Required		Lot A	Lot B
	County	RWQCB		
All wells	100	50	>300	>300
Water courses (top of bank)	100	50	>300	>200
Reservoirs (high water mark)	200	100	5,280	5,280
Cuts or steep embankments (top of cut)	10	10	>25	200
Drainageway/swale (break of slope)	50	50	>200	>200
Property line	10	na	200	200
Foundation	5	na	>300	>100
Water service line	10	na	50	>100
Septic tanks	na	na	>200	>200
Swimming pool	10	na	>300	>100
Road easement, pavement or driveway	5	na	50	100
Riparian Corridor*	100	na	>300	>300

* Per City Riparian Corridor Policy Study, 1999

Table 5. Disposal Field Minimum Distances (in feet)

Measured From	Required		Lot A	Lot B
	County	RWQCB		
All wells	100	100	>300	>300
Water courses (top of bank)	100	100	>300	>200
Reservoirs (high water mark)	200	200	5,280	5,280
Cuts or steep embankments (top of cut)	4xh*	4xh*	>25	200
Drainageway/swale (break of slope)	50	50	>200	>200
Property line	10	na	200	200
Foundation	10	na	>300	>100
Water service line	10	na	50	>100
Septic tanks	6	na	>200	>200
Swimming pool	10	na	>300	>100
Road easement, pavement or driveway	5	na	50	100
Riparian Corridor**	100	na	>300	>300

* h equals the height of cut or embankment in feet. This setback distance requirement shall not be less than 25 feet nor more than 100 feet.

** Per City Riparian Corridor Policy Study, 1999

Slope Stability

Because the natural ground slopes in portions of the proposed leachfield areas are over 20 percent, slope stability impacts need to be addressed. Slopes vary on the different parcels, but generally the leachfields are to be placed along the tops of spur ridges where slopes are the most stable and the least steep.

Portions of the leachfields on Lot A are to be placed on slopes up to 50 percent, with most of the leachfield placed on slopes between 25 and 35 percent. During the onsite observations, no signs of slope instability, such as scarps, seepage, hummocky terrain or cracking of soils, were found within the proposed leachfield area. The proposed leachfield is to be located on a spur ridge where there is no concentration of drainage waters that is typically associated with slope instability problems in this region. The underlying bedrock is sandstone with no obvious bedding planes. Based on the combination of the landscape position, lack of groundwater or concentrated surface water and the stable weathered rock underlying the site, the proposed septic system is considered to be located in a stable area and the proposed soil absorption system would not create or be damaged by slope instability problems.

The leachfield on Lot B is also located on a spur ridge. The underlying bedrock appears to be a sandstone that has undergone some metamorphism; the rock appears to be competent and stable. The leachfield is proposed to be placed along the top of a fairly broad ridge with most of the field being placed on slopes between 15 and 25 percent. A small portion of the leachfield may have to be placed on steeper slopes depending on the number of bedrooms proposed. There are no signs of slope instability such as scarps, hummocky terrain or cracking soils along the ridge where the leachfield is proposed. Due to the lack of concentrated drainage, the underlying competent rock and lack of any signs of slope instability, the proposed leachfield area for Lot B appears to be very stable and the proposed use of this area for sewage disposal would not cause slope instability.

There is, however, one unstable area at the end of the ridge located approximately 150 feet downslope of the lowest potential leaching trench location on Lot B. This area is associated with a large road cut along McKean Road at the base of the spur ridge, significantly below the leachfield area. The road cut shows obvious signs of slope instability, specifically hummocky terrain indicating past or current slope movement. This area would not be affected by the proposed leachfield because of the significant distance between the field and the top of the cut, and the fact that most of the wastewater flow would tend to shed off the sides of the ridge and not towards the road cut.

Water Supply

Domestic Water

There are no San Jose Water Company water lines in the vicinity of the project site; the site is outside the City's Urban Service Area boundary. Domestic water supply for the project site is to

be provided by a new water delivery system from the 250,000-gallon-capacity water tank located on the adjacent Cinnabar Hills Golf Club property; service to the proposed residences would be via the existing 8-inch line to the maintenance building that is in the entrance road to the Golf Club.

The proposed residential sites are at an elevation above the existing water tank and, therefore, cannot be served directly by gravity from the tank. Since the proposed building sites are on the top of knolls, domestic water would have to be provided from a hydropneumatic system. The pump would have to be located at an elevation no higher than approximately 645 feet; the best location for the domestic pump may be near the Golf Club caretaker's site to be close to a power source. The project is estimated to require approximately 910 gallons of water per day, based on 130 gallons per person per day.

Fire Flow

Fire flow requirements for the proposed residences dictate the potable water supply design. Minimum fire flow for the residences is 2,000 gallons per minute (gpm) for 2 hours. From the existing 8-inch water line in the Golf Club entrance road, a new 8-inch line would be installed along the proposed residence access road. A hydrant would be installed at a location behind the future Golf Club caretaker's house; this would be the end point of the gravity system. At this point, a pump station would pump water from the gravity system into a pressure system that would pump water to the residences for domestic use. A pipeline from the pump station to the residences would be placed in the proposed driveway for Lot A and in the emergency-access-only easement between Lots A and B. The pump station would be sized to meet domestic and fire sprinkler demands. In order to provide fire protection, a Fire Department connection would be provided near the hydrant; this would allow Fire Department equipment to pump from the hydrant through the Fire Department connection into a separate pipe to the residences. Fire hydrants would also be located on this separate line at the residences for a direct hose connection or the connection of fire fighting equipment.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. There are no City of San Jose storm drainage facilities in the vicinity of the project site; the site is outside the City's Urban Service Area boundary. Storm drainage for the project site would continue to be accomplished via overland flow; rock riprap would be provided at the base of downspouts to dissipate flows.

Solid Waste / Recycling

Residential solid waste disposal service for San Jose is provided by GreenTeam of San Jose and/or Western Waste Industries. The project is estimated to generate up to approximately 4 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 2 tons per year.

Gas and Electric Service

There are existing Pacific Gas and Electric Company electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service. Propane gas is available from private companies.

Telephone Service

There are existing Pacific Bell telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

PROGRAM MITIGATION MEASURES

Wastewater Treatment

- An onsite sewage disposal system, including septic tanks and subsurface leaching systems, shall be installed and operated in accordance with the regulations of the Santa Clara County Health Department in conjunction with general region-wide requirements established by the San Francisco Bay Regional Water Quality Control Board's "*Minimum Guidelines*."

MITIGATION MEASURES INCLUDED IN THE PROJECT

Water Supply

- New water service facilities, including mains, pump station and hydrants, shall be provided.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACTS	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			**X**	
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)			**X**	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		**X**		

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT	North First Street Properties
PROJECT TITLE	McKEAN ROAD PROPERTY Planned Development Zoning and Parcel Map
PROJECT LOCATION	Easterly side of McKean Road, southerly of the entrance to the Cinnabar Hills Golf Club

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

February 14, 2003
Date

Applicant

APPENDIX

Authors and Consultants

Mindigo & Associates
Environmental Consultants
1984 The Alameda
San Jose, CA 95126

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Louanne Bergna Quilici
Katherine Lee
Kayvan Vafa

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Peder Jorgensen

ENVIRONMENTAL CLEARANCE / EIR

DISCLOSURE STATEMENT

APPLICANT	North First Street Properties
PROJECT TITLE	McKEAN ROAD PROPERTY Planned Development Zoning and Parcel Map
PROJECT LOCATION	Easterly side of McKean Road, southerly of the entrance to the Cinnabar Hills Golf Club

Mindigo & Associates has prepared the above Environmental Clearance Application / Initial Study or Draft Environmental Impact Report, doing business as:

An Individual

The above-named, now has or will have the following direct or indirect economic interest or interests in the development of, or, after its completion, the operation of the project for which the attached Environmental Clearance Application / Initial Study or Draft EIR has been submitted:

None, Except Fees For The Preparation Of Environmental Studies

I/We declare, under penalty of perjury, that the statements furnished above pertaining to the environmental effects of a proposed project and to my/our economic interest or interests in that project are complete, true and correct to the best of my/our knowledge and belief.

Executed on February 14, 2003 at San Jose, California

Mindigo & Associates
Environmental Consultants
1984 The Alameda
San Jose, CA 95126

In order to achieve maximum objectivity in the Environmental Review process, the City requires persons, including individuals, firms, associations, partnerships, trusts, corporations, or companies, who submit to the City applications for Environmental Clearance, or who submit to the City a proposed Draft EIR, to disclose any economic interest in the project which they have derived or will or might derive from the development of, or, after its completion, the operation of the project. This application shall apply to consultants and subcontracted consultants who prepare all, or portions of, the Environmental Clearance document or the proposed Draft EIR. Each proponent, consultant, and subcontracted consultant shall prepare a disclosure statement as presented in this application.

You have an indirect economic interest in the project if your spouse or dependent child or agent acting on your behalf owns or otherwise has an economic interest in the site upon which the project is to be developed or if your spouse or dependent child or agent acting on your behalf has a present or future economic interest in the development of, or, after its completion, operation of the project. Briefly but specifically describe each of your direct and indirect economic interests in the project. You need but disclose the nature of your economic interest in the project, not the amount of said interest. If you have no interest, simply write "none" in the space provided.

Persons and Organizations Consulted

1. **Bill Baron**, North First Street Properties
2. **Sue Dillon**, Services Manager, MacKay & Somps
3. **John Kuzia**, Civil Engineer, MacKay & Somps
4. **Deanna Chow**, Planner, Department of Planning, Building and Code Enforcement, City of San Jose
5. **Julie Harris**, Office Assistant, Center for Urban Analysis, County of Santa Clara
6. **Aneesa Pasillas**, Business Office Technician, Facilities Department, Morgan Hill Unified School District
7. **Brad Brown**, Park Planner, Park Planning and Development Department, Architectural Engineering Division, City of San Jose
8. **Walter S. Fujczak**, Fire Protection Engineer, Fire Protection Planning, San Jose Fire Department
9. **Ebrahim Sohrabi**, Transportation Engineer, Transportation Division, Public Works Department, City of San Jose
10. **Arlene Villanueva**, Engineering Technician, Development Services Division, Department of Public Works, City of San Jose
11. **Skip Lacaze**, Senior Environmental Specialist, Office of Environmental Management, City of San Jose
12. **Leonard Myers**, Gas and Electrical Mapping Departments, Pacific Gas and Electric Company

Sources and References

25. **Site Inspection**

26. **Project Plans**

27. **Knowledge of the Area**

28. **Experience with Other Project(s) of this Size and Nature**

29. **San Jose 2020 General Plan, Focus on the Future**, City of San Jose Department of Planning, Building and Code Enforcement, August 16, 1994, as amended December 7, 1999

30. **Santa Clara County Important Farmland Map**, State of California Department of Conservation and the United States Department of Agriculture, Soil Conservation Service, 1996

31. **Advisory Guidelines for the Farmland Mapping and Monitoring Program**, California Department of Conservation, Division of Land Resource Protection, 1992

32. **Assessor's Maps**, Office of County Assessor, Santa Clara County, 2000-2001

33. **Bay Area Air Pollution Summary - 1999, 2000 and 2001**, Bay Area Air Quality Management District

34. **BAAQMD CEQA Guidelines**, Bay Area Air Quality Management District, April, 1996 as revised December, 1999

35. **At The Crossroads**, State of California Resources Agency, Fish and Game Commission, and Department of Fish and Game, December, 1980 as amended July, 1983

36. **Inventory of Rare and Endangered Vascular Plants of California**, Robert M. Powell, California Native Plant Society Special Publication No. 1, 1974

37. **Heritage Tree List**, San Jose City Council, August 26, 1988

38. **Potential Archaeological Resource Maps**, San Jose Department of Planning, Building and Code Enforcement

39. **Santa Clara County Heritage Resource Inventory**, Santa Clara County Historical Heritage Commission, October, 1975 with Amendments

40. **Historic Resources Inventory**, City of San Jose Historic Landmarks Commission, Department of City Planning and Building, September, 1996

41. **Santa Teresa Hills Quadrangle**, United States Geological Survey, 1968

42. **Morgan Hill Quadrangle**, United States Geological Survey, 1980

43. **Generalized Geologic Map**, Roger D. Borcherdt, James F. Gibbs, and Kenneth R. Lajoie, 1975

44. **Geologic Hazard Zones**, City of San Jose, November, 1985

45. **Soils of Santa Clara County**, United States Department of Agriculture, Soil Conservation Service, 1968

46. **San Jose Geotechnical Investigation**, Cooper-Clark and Associates, July, 1974

47. **Special Studies Zones Maps, Santa Teresa Hills and Morgan Hill Quadrangles**, California Division of Mines and Geology, January 1, 1982

48. **Fault Hazard Maps, Santa Teresa Hills and Morgan Hill Quadrangles**, City of San Jose, 1983

49. **Santa Clara Valley Map**, Barclay Maps, 1993

50. **Manual of Standards for Erosion and Sediment Control Measures**, Association of Bay Area Governments, June, 1981

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52. **Ordinance No. 90-1**, Santa Clara Valley Water District, April 24, 1990

53. **Hazardous Waste and Substance Sites List**, California Environmental Protection Agency Hazardous Materials Data Management Program, December, 1994

54. **Flood Insurance Rate Maps, San Jose, California, Map Index (Panel Nos. 060349-0060D and 060349-0061D)**, Federal Emergency Management Agency, June 19, 1989

55. **Maps of Flood Control Facilities and Limits of 1% Flooding**, Santa Clara Valley Water District, June, 1993

56. **Order 95-180, NPDES Permit No. CAS029718**, California Regional Water Quality Control Board San Francisco Bay Region, August 23, 1995

57. **Land Use/Transportation Diagram, San Jose 2020 General Plan**, City of San Jose Department of Planning, Building and Code Enforcement

58. **Zoning Maps**, City of San Jose Department of Planning, Building and Code Enforcement

59. **City Maps**, Department of Public Works, City of San Jose, 1998

60. **A Plan for the Conservation of Resources**, Santa Clara County Planning Department, November, 1973

61. **City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources**, Illingworth & Rodkin, Inc., April 5, 1998

62. **Land Use Plan for Areas Surrounding Santa Clara County Airports**, Airport Land Use Commission, September, 1992

63. **Leisure and Life 2000**, San Jose Department of Recreation, Parks and Community Services, March 2, 1988

64. **Facilities and Services Inventory, Council District 10**, San Jose Parks and Recreation Department, September, 1985

65. **Parkland Dedication Ordinance**, City of San Jose, December 8, 1992

66. **1997 Demographic Data Book**, San Jose Police Department

67. **City of San Jose and Surrounding Area Traffic Flow Map, 24-Hour Volumes**, Department of Streets and Traffic, City of San Jose, 1998

68. **Santa Clara Valley Bus & Rail Map**, Santa Clara Valley Transportation Authority, July, 2000

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71. **Riparian Corridor Policy Study**, City of San Jose, May 17, 1994 as revised March, 1999

72. **Evergreen Development Policy**, City of San Jose, as revised August 18, 1998

73. **Santa Clara County General Plan**, Santa Clara County Planning Office, December 21, 1994 (as amended 1996)

74. **The Safety Element of the General Plan of Santa Clara County**, Santa Clara County Planning Department, July, 1977

75. **Congestion Management Program, Transportation Impact Analysis Guidelines**, Santa Clara Valley Transportation Authority, adopted May 7, 1998

76. **Application for Environmental Clearance, Parcel Map, Lands of Figgie Properties, Inc.**, Mindigo & Associates, October 25, 1995

77. **Final Environmental Impact Report, Lands of Figgie Properties, Inc., GP95-10-05**, City of San Jose, January 5, 1996

78. **Final Environmental Impact Report, The Tradition Golf Club**, City of San Jose, September 26, 1996

Consultants' Reports

80. **McKean Road Two-Lot Subdivision, Biotic Analysis Initial Study**, Live Oak Associates, Inc., December 29, 2000

81. **Change in Boundaries of McKean Road Site**, Live Oak Associates, Inc., February 21, 2001

82. **An Archaeological Reconnaissance of the Brandenburg House Sites Project Area on McKean Road in the City of San Jose, Santa Clara County, California**, Holman & Associates, August 30, 2000

83. **Geologic Hazards Evaluation and Soil Engineering Study, McKean Road 80-Acre Site, Two Single-Family Custom Residences, San Jose, California**, Earth Systems Consultants Northern California, November 14, 2000

84. **Parcel Lot Line Adjustment, McKean Road 80-Acre Site, Two Single-Family Custom Residences on Homesite Parcels I and II, San Jose, California**, Earth Systems Consultants Northern California, January 29, 2001

85. **Onsite Sewage Disposal Feasibility Report for McKean Road Property**, Questa Engineering Corporation, January 28, 2002

86. **McKean Road Property Fire and Domestic Water Supply**, Schaaf & Wheeler, January 24, 2001

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Public Works
DEVELOPMENT SERVICES DIVISION

January 24, 2001

North First Street Properties
1122 Willow Street, Suite 200
San Jose, CA 95125

Gentlemen:

SUBJECT: CERTIFICATE OF GEOLOGIC HAZARD CLEARANCE
PROPOSED TWO SINGLE FAMILY RESIDENCES
McKEAN ROAD, (T00-11-140); (APN 712-14-011)
PROJECT NO. 3-14981

In response to your application, this letter is being sent to serve as a Certificate of Geologic Hazard Clearance to construct two single family residences on the subject site. The following reports and plans submitted in support of your application have been reviewed and accepted:

1. "Geologic Hazards Evaluation and Soil Engineering Study, McKean Road 80-Acre Site (Parcels I and II), Two Single Family Custom Residences on Homesites I and II, San Jose, California," by Earth Systems Consultants, October 27, 2000, Revised November 14, 2000.

2. "Conceptual Site Plan, North First Street Properties, San Jose, California," by McKay & Somps Civil Engineers, Inc., July 24, 2000, Revised October 25, 2000.

Conditions of Clearance

Approval of this Geologic Hazard Clearance is contingent upon the following conditions:

1. All recommendations of the project's geologic and geotechnical report and geotechnical consultant must be followed when you build on the site. All geotechnical constraints and methods of geologic hazard mitigation identified in your reports must be implemented in your development as specified.

2. This clearance applies only to the project specified in Reference 1 and 2 above. Any changes to the project geotechnical consultant of record or the project design, location, or concept, must be reviewed and approved by the City's Engineering Geologist. Significant changes will require a new Geologic Hazard Clearance.

3. A grading and drainage plan for the proposed residences and driveways must be reviewed and approved by the City Engineering Geologist prior to issuance of a grading permit or Public Works Clearance. The proposed driveway must be improved in accordance with the City's Grading and Fire Codes.

4. All earthwork, foundation installation, drainage improvements and related facilities must be inspected by project Engineering Geologist and Geotechnical Engineer during each phase of site grading and construction, and documented by submission of final geotechnical and geologic reports to the City.

5. If any unanticipated hazardous geologic or subsurface conditions are encountered during the grading, or if there are any required modifications in the grading or geologic hazard mitigation measures, the City's Engineering Geologist must be immediately notified. In such an event, a supplemental geologic/geotechnical investigation must be performed and submitted to the City for review and approval, prior to progressing further with the project.

NOTE: **Failure to comply with these conditions shall constitute a violation of the San Jose Municipal Code and may result in penalties as described in Section 1.08.010 of the Municipal Code including the suspension or revocation of any subsequent development permits or approvals obtained with this Clearance.**

Limitations

As stated in Section 17.10.400 of the City of San Jose Geologic Hazard Ordinance, the issuance of this Certificate of Geologic Hazard Clearance shall not be understood to mean that the site is free of geologic hazards.

This Geologic Hazard Clearance is based on the geologic information provided and the proposed geologic hazard mitigation measures. On the basis of this information, it is the opinion of the Director of Public Works that the geologic hazards identified at this site can be mitigated to an acceptable degree. However, the City reserves the right to revoke this Clearance at any time, if during the development process or at any time it becomes apparent that there are geologic hazards present which have not, or cannot be adequately mitigated.

The function of the City is limited to a review of the consultants' conclusions and recommendations relative to the use of acceptable geological and geotechnical practices. The City has not directed, or in any way undertaken an independent investigation of this site. Therefore, the City of San Jose relies entirely upon the data and conclusions provided by the geologic and geotechnical professionals who assume all liability for any damage resulting from their failure to obtain sufficient data, and misrepresentations or misinterpretations of the data submitted. This Clearance does not pertain to assessment or mitigation of environmental hazards such as the presence of toxic substances or hazardous waste on the site.

The issuance of a Geologic Hazard Clearance does not authorize the applicant to develop or begin construction. The applicant must also obtain all of the necessary additional site development permits, such as Planning Department permits, grading permits, and building permits before development can take place. This Clearance expires three years from the date of issuance.

If any questions, please contact me at (408) 277-5161.

Sincerely,

Michael K. Shimamoto
Engineering Geologist
Development Services Division

MKS:smq
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